

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

SAMUEL R. QUEEN,

Petitioner,

3:16-cv-00373-TC

v.

FINDINGS AND
RECOMMENDATION

WARDEN IVES,
FCI SHERIDAN,

Respondent.

Coffin, Magistrate Judge.

Petitioner, an inmate at FCI Sheridan, filed a petition under 28 U.S.C. 2241 challenging a disciplinary sanction he received involving possession of stolen property and possession of a stolen tool.

The record reflects that the petition in this case asserts identical claims he already submitted in *Queen v. Warden Graber*, case number 15-cv-00916-AA which is currently

pending review in the Ninth Circuit Appeal No. 16-35-154.

It is well settled that petitioner does not have a right to file duplicative in forma pauperis actions where the allegations merely "repeat pending or previously litigated claims." *Cato v. United States*, 70 F.3d 1103, 1105 (9th Cir. 1995).

Petitioner's Petition (#1) should be denied as duplicative.

The Clerk of the Court should be directed to enter a judgment dismissing this proceeding

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or

judgment entered pursuant to the Magistrate Judge's recommendation.

Certificate of Appealability

Should petitioner appeal, a certificate of appealability should be denied as petitioner has not made a substantial showing of the denial of a constitutional right. See, 28 U.S.C. § 2253(c) (2).

DATED this 3 day of ^{Nov}~~October~~, 2016.



Thomas M. Coffin
United States Magistrate Judge